

Chapter 12: Administrative Adjustments & Decisions

What is an administrative adjustment?

An administrative adjustment is a change in child support that is done by the Division of Child Support Enforcement, rather than the Court. Administrative adjustments occur when the change can be made “by operation of law”. This means that the change occurs because the law says that it must.

-For example, the law says that a child support obligation ends when a child turns 18, or, if the child is still in high school, when the child graduates or turns 19, whichever comes first. Therefore, if a child has graduated high school and turns 18, the child support obligation ends “by operation of law” and the Division of Child Support Enforcement may enter an administrative adjustment terminating child support (unless there are other children on the Order).

What are some things that occur by administrative adjustment?

- Termination of support
- Repayment of past due support (arrearage)
- Change of payee
- Date of change of payee

How will I know if the Division of Child Support Enforcement has entered an administrative adjustment?

Within 120 days prior to or 30 days after adjusting its accounts, the Division of Child Support Enforcement files a Notice of Administrative Adjustment with the Court, explaining the action taken. This Notice is also sent to both parties.

What do I file if I disagree with an administrative adjustment?

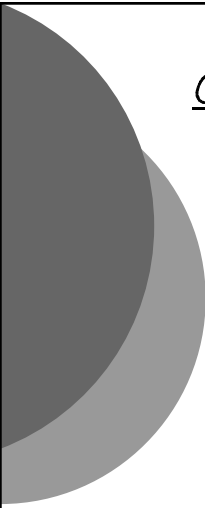
You may file a Motion to Contest an Administrative Adjustment. In this Motion, you must explain to the Court why you disagree with the administrative adjustment. You must send the other party a copy of this Motion. The other party then has 10 days in which to respond before the Court will make its decision.

-A sample Motion to Contest Administrative Adjustment may be found on page 37.

What is an administrative decision and order?

An administrative decision and order is one entered by the Division of Child Support Enforcement due to lack of child support payment and resulting arrears. The administrative decision and order imposes sanctions on the payor for failure to pay child support.

-An administrative decision and order are only entered after the payor has been notified of the arrears, has had the opportunity to pay and has requested and received an administrative hearing.



Chapter 12: Administrative Adjustments & Decisions cont'd

What types of sanctions may be imposed by an administrative decision and order?

The Division of Child Support Enforcement may suspend the payor's driver's license, deny application to receive a driver's license, place an administrative lien upon property owned by the payor, intercept the payor's income taxes or impose other reasonable sanctions.

What do I file if I disagree with an administrative decision and order?

You may file an Appeal of Child Support Administrative Decision and Order. In this Appeal, you must explain to the Court why you disagree with the administrative adjustment. You must attach a copy of the administrative decision and send a copy of the Appeal to the Division of Child Support Enforcement. The Division will then have 10 days in which to file a response. The Court will then either make a decision or hold a hearing on the matter.

-A sample Appeal of Child Support Administrative Decision and Order may be found on page 38.

The Family Court of the State of Delaware
FOR ☐ NEW CASTLE ☒ KENT ☐ SUSSEX
MOTION TO CONTEST AN ADMINISTRATIVE ADJUSTMENT

Check the county in which you are filing.

| | |
|-------------------------|---------------|
| Child Support Recipient | |
| Sarah Smith | |
| 111 South Oak Street | |
| Dover, DE 19901 | |
| Attorney | Date of Birth |
| n/a | 2/25/1973 |

Fill in the child support *recipient's* information here.

| | |
|---------------------|---------------|
| Child Support Payor | |
| Michael Jones | |
| 555 Main Street | |
| Dover, DE 19901 | |
| Attorney | Date of Birth |
| n/a | 3/14/1977 |

Fill in the child support *payor's* information here.

| |
|--------------------|
| Family Ct File No. |
| CK04-0221 |
| Petition No. |
| DCSE Account No. |
| 55562 |

Michael Jones (the "Movant") has received a Notice of Administrative Adjustment filed with the Family Court by the Division of Child Support Enforcement (DCSE). The Movant **DISAGREES** with the:

- ☐ Date of Termination of Child Support Order
- ☒ Balance (amount) of past due child support
- ☐ Monthly amount ordered to repay past due child support (back support / arrears).
- ☐ Change of Payee (The person alleged does not have placement of the child(ren)).
- ☐ Date of Change of Payee (Movant disagrees with the date alleged for the change in placement).

The movant is the person who believes the administrative adjustment is incorrect.

Explain to the Court here why you believe the administrative adjustment is incorrect.

Because: The balance of back due support does not include the amount that Payor
check. This money was not sent through the Division of Child Support Enforcement, however, it was
all of the cleared checks. This amount totals \$2,400 and should be deducted from the amount of arrears owed.

MOVANT AFFIRMS that the above information is true and correct and that a copy of this Motion to Contest an Administrative Adjustment is being filed by U.S. Mail on April 7, 2008 with sufficient postage and address to:

☒ the Division of Child Support Enforcement (appropriate county address of DCSE)

☒ the opposing party at 111 South Oak Street Dover, DE 19901

You must mail a copy of this Motion to the opposing party **and** DCSE.

4/7/2008 Sign in the presence of a notary or court staff. Michael Jones
SWORN TO AND SUBSCRIBED _____ Movant / Attorney _____ Date _____
before me this 7th day of April, 2008 Donna King
NOTARY PUBLIC

NOTICE: RESPONDENT HAS THE RIGHT TO FILE A RESPONSE WITHIN TEN (10) DAYS OF THE SERVICE OF THIS MOTION. IF NO RESPONSE IS TIMELY FILED, THE MOTION MAY BE DECIDED WITHOUT OTHER OPPORTUNITY TO BE HEARD.

Upon consideration of the Motion, the Notice of Administrative Adjustment and ☐ the response (or) ☐ no response, the Court **ORDERS** the following:

- ☐ The motion is **DENIED**. The Administrative Adjustment was correct and authorized by Family Court Civil Rule 302.
- ☐ The motion is **GRANTED** and:
- ☐ Current Support terminated (or shall presumptively terminate) on _____.
- ☐ The correct arrears balance is \$ _____ as of _____.
- ☐ Arrears shall be repaid at the rate of \$ _____ per month.
- ☐ The correct payee is _____ effective _____.
- ☐ A hearing will occur on ____ / ____ / ____ at ____ am/pm to consider this motion (☐ date/time TBD).
- ☐ Other: _____

COMMISSIONER _____ Date Written Order Issued: _____

PARTIES may appeal a final order of a Commissioner by filing and serving written objection to such Order within ten (10) days of the Order, in accordance with 10 Del. C. § 915 (d) and Family Court Civil Rule 53.1 (b).

Check the county in which you
are filing.

The Family Court of the State of Delaware

For ☐ New Castle ☒ Kent ☐ Sussex County

APPEAL OF CHILD SUPPORT ADMINISTRATIVE DECISION AND ORDER

DCSE # 7559

APPELLANT

| | |
|-----------------------------------|--|
| <u>Michael Jones</u> | |
| Address <u>555 Main Street</u> | |
| Attorney <u>N/A</u> | Employer Name & Address <u>DEF CORPORATION</u> <u>456 NORTH STREET</u> <u>DOVER, DE 19901</u> |
| Hm Ph# <u>(302) 555-0099</u> | PH# |
| Wk Ph# <u>(302) 255-0000</u> | |
| DOB <u>2/25/1973</u> | |
| Driver License # <u>35769</u> | State <u>DE</u> |

The Appellant is the
person filing the appeal.

APPELLEE

| | |
|--|---|
| <u>Sarah Smith</u> | |
| Address <u>111 South Oak Street</u> | |
| Attorney <u>N/A</u> | Employer Name & Address <u>ABCCORPORATION</u> <u>123 SOUTH STREET</u> <u>DOVER, DE 19901</u> |
| Hm Ph# <u>(302) 467-9908</u> | PH# |
| Wk Ph# <u>(302) 565-0707</u> | |
| DOB <u>3/14/1977</u> | |
| Driver License # <u>65995</u> | State <u>DE</u> |

File Number(s)

CK04-0221

Petition Number

Reciprocal #

Nature of Proceeding: ☒ License Suspension/Denial
☐ Administrative Lien

☐ Income Tax Offset

☐ Other

Check which type
of proceeding you
are appealing.

PLEASE TAKE NOTICE THAT Michael Jones does appeal to the Family Court of Delaware from an administrative decision entered by Commissioner Jackson and dated 3/6/2007 which affirmed the above noted sanction(s). Reasons for the appeal are:

- ☐ The appellant is not the person named in the underlying child support order.
☒ The appellant does not owe the amount of child support arrears required for the sanction.
☐ Other

Check why you believe the
administrative decision and order
is incorrect.

A COPY OF THE ADMINISTRATIVE DECISION MUST BE ATTACHED TO THE APPEAL.

APPELLANT AFFIRMS that the above statements are true and that a copy of this appeal was deposited in the U.S. Mail on 4/10/2008 with sufficient postage and addressed to ☒ the Division of Child Support Enforcement, P.O. Box 12831, Wilmington, DE 19850 and/or ☒ Sarah Smith, at 111 South Oak Street Dover, DE 19901. **BY COPY OF THIS APPEAL, APPELLEE IS NOTIFIED OF THE RIGHT TO FILE A RESPONSE WITHIN TEN (10) DAYS OF THE FILING OF THIS APPEAL.**

4/10/2008

Date

Sign in the presence of a notary.

Michael Jones

Appellant/Attorney

SWORN TO AND SUBSCRIBED before me

This date 4/10/2008

Donna King

Notary Public

☐ AFTER HEARING ☐ UPON CONSIDERATION OF THE APPEAL AND ☐ THE RECORD OF THE ADMINISTRATIVE HEARING ☐ NO RECORD OF ADMINISTRATIVE HEARING FILED BY DCSE, the administrative decision is ☐ affirmed ☐ reversed. IT IS SO ORDERED. ☐ See discussion attached.

COMMISSIONER

Date

Parties may appeal a final Order of a Commissioner by filing and serving written objections of such Order within ten (10) days of the Order.

Cc: ☐ File ☐ Parties ☐ DCSE Counsel ☐ DCSE ☐ Reciprocal Agency